



CANNON BUILDING  
861 SILVER LAKE BLVD., SUITE 203  
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	<b>BOARD OF ARCHITECTS</b>
MEETING DATE AND TIME:	<b>Wednesday, January 5, 2011 at 1:30 p.m.</b>
PLACE:	<b>861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware</b>
MINUTES APPROVED:	<a href="#">February 2, 2011</a>

**MEMBERS PRESENT**

Jean McCool, RA, Professional Member, President  
Joseph Schorah, Public Member, Secretary  
Kenneth Freemark, RA, Professional Member  
John Mateyko, RA, Professional Member  
Elizabeth Happoldt, Public Member  
Prameela Kaza, Public Member  
Brian Lewis, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL**

Andrew Kerber, Deputy Attorney General  
Nicole M. Williams, Administrative Specialist II

**ABSENT**

Kevin Wilson, Professional Member

**OTHERS PRESENT**

Nancy Payne of the Delaware AIA

**1.0 Call to Order**

Ms. McCool called the meeting to order at 1:40 p.m.

**2.0 Review and Approval of Minutes**

The Board reviewed the December 1, 2010 minutes and noted a correction. Ms. Kaza made a motion to approve the minutes from the December meeting as submitted, seconded by Mr. Jennings. Motion carried unanimously.

### **3.0 Unfinished Business**

#### Review of Unlicensed Activity Letters

Mr. Kerber advised the Board that this can be removed from the agenda. Ms. Williams will remove this matter from all future agendas until otherwise noted by the Board.

#### Schedule Hearing Date for Complaint 07-01-09

The Board proposed to notice the hearing for the Feb meeting date.

#### Decision and Order for Donald R. Kann as of 10/6/10 – Has Not Complied with Order

Ms. Williams advised that Mr. Kann is NCARB certified and has not complied with the Board's order to pay the civil penalty of \$2500. Mr. Jennings advised Ms. Williams to contact NCARB and all other states as listed on his original application notifying them of his Delaware discipline. Mr. Kerber reviewed the Board's order for Mr. Kann. Mr. Kerber advised that the Board can notice him for a hearing again and revoke his license. Mr. Lewis inquired how if the Board can go forth with a civil suit for the collection of the fee. Mr. Kerber advised that he will send an official letter to Mr. Kann to respond by February 1<sup>st</sup>, 2011.

#### 2009 Audits for Charles Bowen and D. Ronald Brasher

Ms. Williams advised that both did not pay the civil penalty and will need to have a hearing for not complying with the Board's waiver for the 2009 audit Rule to Show Cause Hearing. Ms. McCool advised to send both licensees a proposal to deny letter for the 2009 renewal audit since they did not comply with the Board's waiver in 2009.

### **4.0 New Business**

#### Review of Certificate of Authorization Applications – See attached Listing

Mr. Jennings inquired if there were any businesses that have not yet responded to the COA notification. Ms. Williams advised that there is an extensive list of licensees who have not yet responded to the notification. Ms. McCool advised to have the complete COA licensed listing sent to each county including those that are SP's with a link to the Division's website where to verify the license. Mr. Mateyko made a motion to ratify the listing, seconded by Mr. Schorah. Motion carried unanimously.

#### Review of Certificate of Authorization Applications – Submitted after 11/30/10 deadline

Buck Simpers Architect + Associates, Inc. (received on 12/6/10)

Tricarico Architecture and Design PC (received on 12/9/10)

Star Communications, Inc. (received on 12/1/10)

Ms. Williams advised that the date the office received the application is the date listed on the agenda beside each company name. Mr. Kerber inquired if consideration was taken as to when the application was postmarked. Ms. Williams advised that the notification regarding the COA's stated the received date. Ms. McCool advised that with the received dates being so close to the deadline of when the Board allowed the applications to be filed the Board should proceed with approving the applications. Mr. Kerber further advised to not impose the penalty this time as well. Ms. Kaza made a motion to approve the above applications for a Certificate of Authorization, seconded by Mr. Mateyko. The motion carried by majority vote with one opposed vote.

Review of Reciprocity Applications – NCARB Certificate – Ratify Listing

Dawn Korbelak  
Mark Salopek  
Richard Olaya

Sarita Sen  
Malcolm Burton

Mr. Freemark made a motion to ratify the NCARB certification licensee listing above, seconded by Mr. Schorah. Motion carried unanimously.

Review of Direct Application by Reciprocity

Juliet Whelan – Mr. Jennings advised the Board that her application and all documentation was in order and made a motion to approve her for license, seconded by Ms. Kaza. Motion carried unanimously.

Review of Applications by Written Examination

Eugene Chen: Request for Licensure, Passed the ARE in Texas and has completed the IDP – Mr. Freemark advised the Board that his application and IDP are in order and made a motion to approve him for licensure, seconded by Mr. Mateyko. Motion carried unanimously.

Bryan Hutchison: Request to sit for the ARE exam and has completed the IDP – Mr. Mateyko advised the Board that his application is in order and his IDP is complete and made a motion to approve him to sit for the ARE exam, seconded by Ms. Kaza. Motion carried unanimously.

Draft Response Letter Regarding the Sussex County 5,000 sf. Rule Letter

Mr. Kerber provided the Board with a copy of his draft response letter for their review. The Board reviewed the letter. Mr. Kerber also updated the Board regarding his subcommittee meeting with the Delaware Association of Professional Engineers (DAPE) and that their members were in agreement with sending the response letter. The Board discussed a few revisions to be made to the draft letter. The Board then agreed to move forward with Mr. Kerber submitting this letter to the engineers subcommittee for their approval and then to the State Solicitor. Ms. Kaza made a motion to accept the letter Mr. Kerber submitted with the Board's recommended changes, seconded by Mr. Jennings. Motion carried unanimously.

New Complaints to Assign a Contact Person

07-08-10 and 07-09-10 (Sussex Co.) were assigned to Mr. Jennings.

07-10-10 (Sussex Co.) was assigned to Mr. Schorah.

07-11-10 (Sussex Co.) was assigned to Mr. Freemark.

Mr. Mateyko inquired where the Board stood with regards to the communication between the Board contact members and the investigators of complaints. Ms. McCool advised that Mr. Collins was supposed to meet with the Board today. Ms. Williams advised that Mr. Collins was present for this discussion but had to step out of the meeting briefly. The Board discussed some of their communication issues and concerns until Mr. Collins could re attend the meeting.

Mr. Kerber advised the Board that he had spoken with Ms. Gadbois about the communication concerns as well and also the State Solicitor, Mr. Larry Lewis. Mr. Collins entered the meeting again.

Ms. McCool addressed Mr. Collins with the Board's concerns regarding the communication with the Investigative office, the Attorney General's office and the Board contacts for the complaints. She advised that a complaint may get assigned and then the Board contact person may not receive any communication regarding the assigned complaint from the assigned Investigator.

Mr. Collins requested that the Board provide specific complaint numbers for further research into the communication regarding those specified complaints. The Board provided Mr. Collins with some specific case numbers; 07-04-06, 07-05-07, and 07-01-08.

Ms. Kaza exited the meeting at 3:10 p.m.

Mr. Collins and the Board further discussed their concerns regarding the communication between the Board contact and the assigned investigator to the complaint. Mr. Collins provided the Board with an explanation of the authority given within the complaint process.

Mr. Mateyko advised, for the record, that Mr. Collins's presence at this meeting was very informative for the Board and thanked him for attending at Ms. Williams' request. Mr. Mateyko inquired if a copy of the dismal letter for all complaints can be copied to the Board liaison so that the Board contact person is corresponded on all the dismissals from the AG's office. Mr. Collins advised that he will reach out to the Attorney General's office to request that a copy of the dismissal letters from the AG's office be sent to the Board liaison and the Board liaison will forward this correspondence to the appropriate Board contact.

Mr. Mateyko then addressed Mr. Collins regarding the Board's authority to take action on unlicensed activity. The Board and Mr. Collins discussed the matter further. Mr. Collins advised that he will be able to address the Board's authority to be able to take appropriate action for unlicensed practice in this upcoming legislation.

Mr. Collins again advised the Board that the Division will be reaching out to the AG's office regarding complaint 07-04-06 and to inquire if this complaint is still prosecutable.

There was no further discussion by the Board regarding this matter. The Board thanked Mr. Collins for his attendance and his input into this matter.

#### **5.0 Other Business Before the Board (for discussion only)**

Mr. Jennings advised the Board that the Division's online license verification currently does not show the acknowledged professional architect in charge for the company that is issued the Certificate of Authorization. Ms. Williams advised that the license record system and online verification website were not programmed to be able to merge the professional in charge information onto the website's online licensee look up. Ms. McCool advised to possibly put a link on the website to list all active Certificate of Authorizations and the architect professionals in charge for each company. Ms. Williams advised that she will look into this matter for the Board.

Mr. Jennings inquired about the Spring Regional Meeting for NCARB. Ms. McCool advised that there has not been any additional information regarding that meeting at this time.

Ms. McCool advised that the Board needs to nominate a President and a secretary. Ms. McCool opened the floor to nominations. Mr. Mateyko advised Ms. McCool to briefly explain their roles. Ms. McCool provided a brief overview of the President and Secretary of the Board's duties. A motion was made by Ms. McCool, seconded by Mr. Mateyko to re-nominate Mr. Schorah for Secretary of the Board. Mr. Schorah accepted the nomination. Motion carried unanimously. Mr. Lewis made a motion to nominate Mr. Freemark as the new President, seconded by Ms. Happoldt. Mr. Freemark accepted the nomination. Motion carried unanimously. The Board congratulated the new Board President, Mr. Kenneth Freemark and Mr. Schorah for his second term as Secretary.

#### **6.0 Public Comment**

There was no public comment.

#### **7.0 Next Scheduled Meeting**

The next meeting will be held on February 2, 2011 at 1:30 p.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

#### **8.0 Adjournment**

With no further business before the board, Mr. Schorah made a motion to adjourn the meeting, seconded by Ms. Happoldt. The motion carried unanimously. The meeting adjourned at 3:50 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nicole M. Williams".

Nicole M. Williams  
Administrative Specialist II